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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,700	09/19/2003	James M. Mathewson II	RSW920030197US1	1988
25259	7590	02/23/2006	EXAMINER	
IBM CORPORATION 3039 CROWN WALLIS RD. DEPT. T81 / B503, PO BOX 12195 REASEARCH TRIANGLE PARK, NC 27709			LAI, ANNE VIET NGA	
		ART UNIT	PAPER NUMBER	2636

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/666,700	MATHEWSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Anne V. Lai	2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 November 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-30 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-30 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8 &amp; 4/05, 9/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 6, 8, 11, 16 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by **Shannahan** [US. 2004/0148226] (cited by applicant).

In claims 1 and 11, **Shannahan** discloses a method and a system for implementing the method of preparing information usable in theft detection using radio frequency identification ("RFID") technology, comprising steps of:

reading, from an RFID tag affixed to each of one or more presented items, identifying information for that item (par. 0042); and storing the identifying information for each item on a receipt reflecting the presented items (e-receipt; par. 0051).

In claims 6 and 16, **Shannahan** discloses a method and a system for implementing the method of detecting potential theft using radio frequency identification ("RFID") technology, comprising steps of:

scanning a receipt for identifying information reflecting one or more items that were presented for purchase;

searching, in an RFID tag affixed to each or one or more items possessed by a shopper who also possesses the receipt, to locate corresponding identifying information for each possessed item; and

concluding that selected ones of the items possessed by the shopper were not paid for if the identifying information located for the selected items is not detected by the scanning step (par. 0051).

In claims 8 and 18, **Shannahan** discloses the identifying information on the receipt was previously created by reading, from an RFID tag affixed to each of one or more presented items, identifying information for that item and storing the identifying information for each presented item on the receipt (par. 0042, 0049).

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 4-5, 12 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Shannahan** in view of **Ogasawara** [US. 6,327,576].

In claims 2, 4-5, 12 and 14-15 **Shannahan** omits disclose the e-receipt in details; **Ogasawara** teaches an e-receipt can contain an enumerated list of items, stock-keeping unit identifier and Electronic Product Code identifier (PLU, SKU, UPC; fig. 4; col. 5, l. 9-67; col. 8, l. 33- col. 9, l. 32). It would have been obvious to one having

ordinary skill in the art storing plural identifier for a particular items help tracking of the items and identifying any particular item being stolen.

5. Claims 3, 7, 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Shannahan** in view of **Hanna** [US. 2004/0016796] (cited by applicant).

In claims 3 and 13, **Shannahan** does not specify that the data written on the consumer carried electronic sales receipt is in the form of an RFID tag affixed to the sales receipt; **Hanna** teaches storing financial transaction information including item ID, number of items, item dollar amount and dollar sum, etc. in an RFID tag affixed to a transaction receipt (592, fig. 69; par. 0261) for the convenient verification of the transaction ([0258]-[0264]). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to implement the consumer carried electronic sales receipt of **Shanahan** using an RFID affixed tag transaction receipt of **Hanna** to provide more convenient by virtue of its smaller size so that more information can be securely stored and reproduced.

In claims 7 and 17, **Shannahan** discloses scanning the e-receipt, since the e-receipt of **Shannahan** and **Hanna** combined containing an RFID tag storing transaction information, it would have been obvious scanning the e-receipt can be reading an RFID tag affixed to the receipt by virtue of its fast response by its communication ability.

6. Claims 9-10 and 19-20, 21, 26 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Shannahan**.

In claims 9-10 and 19-20, **Shannahan** does not disclose the concluding step does not conclude that selected ones of the possessed items were not paid for if those selected ones were in the shopper's possession when the shopper entered an establishment in which a transaction represented by the receipt was conducted; however known business practice at many stores (Best Buy, Costco, etc.) keep and remember items that are previously purchased by the shopper when he or she enters the store such that when the shopper arrives at the store exit check area, the receipt is checked against newly purchased items only so that the comparing and the concluding steps do not apply to the remembered items. Since this method of practice is known in manual scanning and theft checking stores, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to not include the shopper's previously owned items with the items to be checked (for example, write on the RFID tag affixed to the item, data indicating the item has been paid for).

The rejection to claim 21 is similar to the rejection to the method and the system for detecting theft of claims 1 and 11 with a reason that to make the system function automatically in a store equipped with computer, it would have been obvious to one having ordinary skill in the art at the time of the invention was made a computer program product is obviously being implement.

The rejection to claim 26 is similar to the rejection to the method and the system for detecting theft of claims 6 and 16 with a reason that to make the system function automatically in a store equipped with computer, it would have been obvious to one

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having ordinary skill in the art at the time of the invention was made a computer program product is obviously being implement.

The rejection to claim 28 is similar to the rejection to the method and the system for detecting theft of claims 8 and 18 with a reason that to make the system function automatically in a store equipped with computer, it would have been obvious to one having ordinary skill in the art at the time of the invention was made a computer program product is obviously being implement.

The rejection to claims 29 and 30 is similar to the rejection to the method and the system for detecting theft of claims 9-10 and 19-20 with a reason that to make the system function automatically in a store equipped with computer, it would have been obvious to one having ordinary skill in the art at the time of the invention was made a computer program product is obviously being implement.

7. Claims 22, 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Shannahan** in view of **Ogasawara**.

The rejections to claims 22 and 24-25 are similar to the rejection to the method and the system for detecting theft of claims 2, 4-5, 12 and 14-15 with a reason that to make the system function automatically in a store equipped with computer, it would have been obvious to one having ordinary skill in the art at the time of the invention was made a computer program product is obviously being implement.

8. Claims 23 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Shanahan** in view of **Hanna**.

The rejection to claim 23 is similar to the rejection to the method and the system for detecting theft of claims 3, 13 with a reason that to make the system function automatically in a store equipped with computer, it would have been obvious to one having ordinary skill in the art at the time of the invention was made a computer program product is obviously being implement.

The rejection to claim 27 is similar to the rejection to the method and the system for detecting theft of claims 7 and 17 with a reason that to make the system function automatically in a store equipped with computer, it would have been obvious to one having ordinary skill in the art at the time of the invention was made a computer program product is obviously being implement.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne V. Lai whose telephone number is 571-272-2974. The examiner can normally be reached on 9:00 am to 6:30 pm, Monday to Thursday.  
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass Jeffery can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AVL

2/17/06

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